Case: 24-7229, 05/02/2025, DktEntry: 8.1, Page 1 of 3

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA) U.S.C.A. No. 24-7229	1
Plaintiff-Appellee,)) 	2 00 II C
V.) U.S.D.C. No. 3:21cr1	390-JLS
JOSE ANGEL SERRANO,) UNOPPOSED MOT	ION TO
Defendant-Appellant,	EXTEND THE DUE THE APPELLANT'S	S OPENING
) BRIEF BY TWENTY	Y DAYS

Jose Angel Serrano, the Defendant-Appellant, by and through his counsel, John Lanahan, files the following motion, pursuant to Federal Rule of Appellate Procedure 27 and Ninth Circuit Rule 31-2.2(b), to extend the due date of the appellant's opening brief by twenty days, to May 29, 2025.

The Defendant-Appellant seeks this motion to extend the due date of the opening brief for the reasons set forth in the attached declaration of counsel.

Respectfully submitted,

Date: May 2, 2025 s/ John Ranahan

JOHN LANAHAN P.O. Box 601400

San Diego, California 92160 Telephone: (619) 237-5498

E-mail: <u>lawnahan@sbcglobal.net</u> *Attorney for Defendant-Appellant*

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,) U.S.C.A. No. 24-7229
) U.S.D.C. No. 3:21cr1590-JLS
Plaintiff-Appellee,)
V.) DECLARATION OF COUNSEI
) IN SUPPORT OF APPELLANT'S
JOSE ANGEL SERRANO,) UNOPPOSED MOTION TO
) EXTEND THE DUE DATE OF
Defendant-Appellant.) APPELLANT'S OPENING
) BRIEF BY TWENTY DAYS
)
	 /

- I, John Lanahan, declare under oath:
- 1. I am an attorney duly licensed to practice law in the State of California and in the United States District Court for the Southern District of California, and am admitted to practice before the United States Court of Appeals for the Ninth Circuit.
- 2. I represented to the appellant, Jose Angel Serrano, before in the district court and now represent him before this Court on appeal.
- 3. On April 9, 2025, this Court granted my streamlined motion to extend the due date of the Appellant's Opening brief to May 9, 2025.
- 4. In preparing the Appellant's opening brief, three related issues involving the Fourth Amendment are critical to this appeal from a conditional guilty plea.
- 5. These issues are (1) the application of the "plain view" exception to the warrant requirement, (2) whether my client's wife could consent to the search of my

(3 of 3), Page 3 of 3 Case: 24-7229, 05/02/2025, DktEntry: 8.1, Page 3 of 3

client's locked toolbox, and (3) whether the warrantless search of the locked toolbox

was a private search while law enforcement was with my client's wife at his home

investigating him for a crime.

5. The although the record in this case is short, the facts are complex and need

time to present them in order to give the necessary context of the warrantless search

of the toolbox.

6. The case law on this is complex and somewhat murky where these issues

overlap, and requires research not only in this Circuit but the cases of other circuits

upon which the district court relied in denying the motion to suppress the evidence

found in the toolbox that provided the probable cause for the issuance of the search

warrant of my client's home.

7. Opposing counsel, AUSA Daniel Zipp of the Office of the United States

Attorney for the Southern District of California, has no opposition to this motion.

8. The appellant is in custody and is currently serving a sentence of one

hundred twenty months in prison with release date of October 27, 2029.

9. For these reasons, I request an additional twenty days in which to file the

Appellant's Opening Brief.

DATED: May 2, 2025

s/ John Ranahan

JOHN LANAHAN

Declarant

c:\myfiles\appeals\federal\serramno.exmo.aob.jol

-3-